

CLAIM LISTING

1. **(currently amended)** A surgical instrument having a proximal end comprising a handle and a distal end located opposite the proximal end in an axial direction, the instrument comprising:
 - a nozzle located at the distal end of the instrument that is shaped to form a liquid jet;
 - a pressure lumen configured and positioned to convey a flow of liquid to the nozzle;
 - an evacuation lumen located between the nozzle and the proximal end of the instrument in the axial direction, comprising a jet-receiving opening located opposite the nozzle to receive at least a portion of the liquid jet emitted from the nozzle, when the instrument is in operation, and which is configured and positioned to convey a flow of liquid away from the jet-receiving opening; and
 - a non-liquid jet tissue-excision component constructed and positioned at the distal end of the instrument to excise tissue during the surgical procedure, the non-liquid jet tissue-excision component located substantially opposite the jet-receiving opening and extending radially outward from a location defined by an axial center of the nozzle to a radial periphery having a sharpened edge extending in a direction substantially perpendicular to the axial center of the nozzle, andwherein the nozzle is positioned between the jet-receiving opening and a portion of the non-liquid jet tissue-excision component so that, during operation of the instrument, the liquid jet is directed so as to contact tissue excised by the non-fluid jet tissue-excision component during a surgical procedure.
2. **(previously presented)** The surgical instrument of claim 1, wherein the non-liquid jet tissue-excision component is configured to not rotate, when the instrument is in operation.
3. **(previously presented)** The surgical instrument of claim 2, wherein the non-liquid jet tissue-excision component is configured to remain stationary with respect to the position of the nozzle.
4. **(cancelled)**
5. **(cancelled)**
6. **(previously presented)** The surgical instrument of claim 1, further comprising:
 - a cup-shaped tissue receptacle configured and positioned to contain tissue excised by the tissue-excision component, wherein the nozzle is positioned, during operation of the instrument, to direct the liquid jet so that at least a portion of the liquid jet is contained within the receptacle.
7. **(canceled)**
8. **(previously presented)** The surgical instrument of claim 1, wherein at least a portion of the rim of the receptacle is sufficiently sharp to form a tissue-cutting blade comprising the sharpened edge of the non-liquid jet tissue-excision component.
9. **(canceled)**

10. **(canceled)**
11. **(original)** The surgical instrument of claim 1, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 1,000 psig.
12. **(original)** The surgical instrument of claim 11, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 2,000 psig.
13. **(original)** The surgical instrument of claim 12, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 3,000 psig.
14. **(original)** The surgical instrument of claim 13, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 5,000 psig.
15. **(original)** The surgical instrument of claim 14, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 10,000 psig.
16. **(original)** The surgical instrument of claim 15, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 15,000 psig.
17. **(original)** The surgical instrument of claim 16, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 30,000 psig.
18. **(cancelled)**
19. **(cancelled)**
20. **(previously presented)** The surgical instrument of claim 1, wherein the evacuation lumen is shaped and positioned to enable it to remove from a surgical site at least a portion of tissue excised by the tissue-excision component during operation.
21. **(original)** The surgical instrument of claim 1, further comprising:
a distal end adapted to perform a surgical procedure on a patient, wherein the distal end of the surgical instrument has a shape and size selected to facilitate insertion of the distal end into a region of the body of the patient defining a surgical site.
22. **(original)** The surgical instrument of claim 21, wherein the region of the body of the patient defining a surgical site is the spine of the patient.
23. **(cancelled)**
24. **(previously presented)** The surgical instrument of claim 1, wherein the evacuation lumen is shaped and positionable to enable evacuation of essentially all of the liquid comprising the liquid jet from the jet-receiving opening to the proximal end of the instrument, without the need for an external source of suction.

25. **(previously presented)** The surgical instrument of claim 1, wherein the proximal end is adapted to facilitate control of the instrument by an operator.

26. **(original)** The surgical instrument of claim 25, wherein the handle comprises a grasping region shaped and positioned to facilitate gripping by a hand of an operator of the instrument.

27-30. **(cancelled)**

31. **(original)** The surgical instrument of claim 1, wherein a distance separating the jet-receiving opening of the evacuation lumen from the nozzle defines a length of the liquid jet emitted from the nozzle.

32-38. **(cancelled)**

39. **(original)** A kit comprising the surgical instrument of claim 1, in combination with instructions directing an operator to dispose of at least a portion of the instrument after a single use.

40. **(original)** The kit of claim 39, wherein the instructions direct an operator to dispose of only a portion of the instrument after a single use and to reuse the remainder of the instrument.

41. **(previously presented)** The kit of claim 40, wherein the instructions direct an operator to dispose of at least one of the pressure lumen, the evacuation lumen, the nozzle, and the non-liquid jet tissue-excision component.

42. **(original)** The kit of claim 39, wherein the instructions direct an operator to dispose of the entire instrument after a single use.

43. **(previously presented)** The surgical instrument of claim 1, wherein the liquid jet emitted by the nozzle and directed so as to contact the tissue excised by the non-fluid jet tissue-excision component is able to cut at least a portion of the excised tissue and drive at least a portion of the excised tissue into and at least partially through the evacuation lumen.

44. **(previously presented)** A surgical instrument having a proximal end and a distal end opposite the proximal end, the surgical instrument comprising:

- a scissors-like handle located at the proximal end, wherein the handle moves a component of the distal end of the instrument to effect tissue manipulation when the handle is squeezed;

- a nozzle located at the distal end of the instrument that is shaped to form a liquid jet;

- a pressure lumen configured and positioned to convey a flow of liquid to the nozzle;

- an evacuation lumen located between the nozzle and the proximal end of the instrument, the evacuation lumen comprising a jet-receiving opening located opposite the nozzle to receive at least a portion of the liquid jet emitted from the nozzle, when the instrument is in operation, and which is configured and positioned to convey a flow of liquid away from the jet-receiving opening; and

- a non-liquid jet, non-rotating tissue-excision component constructed and positioned to excise tissue during the surgical procedure.

45. **(previously presented)** The surgical instrument of claim 44, further comprising:
a tissue receptacle configured and positioned to contain tissue excised by the non-liquid jet, non-rotating tissue-excision component, wherein the nozzle is positioned, during operation of the instrument, to direct the liquid jet so that at least a portion of the liquid jet is contained within the receptacle.
46. **(original)** The surgical instrument of claim 45, wherein the tissue receptacle is cup-shaped.
47. **(original)** The surgical instrument of claim 44, wherein the pressure lumen is configured to enable it to convey a high-pressure liquid at a pressure of at least 1,000 psig.
48. **(previously presented)** The surgical instrument of claim 44, wherein the evacuation lumen is shaped and positioned to enable it to remove from a surgical site at least a portion of tissue excised by the non-liquid jet, non-rotating tissue-excision component during operation.
49. **(original)** The surgical instrument of claim 44, wherein the evacuation lumen is shaped and positionable to enable evacuation of essentially all of the liquid comprising the liquid jet from the jet-receiving opening to a proximal end of the instrument, without the need for an external source of suction.
50. **(previously presented)** The surgical instrument of claim 44, wherein the distal end of the surgical instrument has a shape and size selected to facilitate insertion of the distal end into a region of the body of the patient defining a surgical site.
51. **(original)** The surgical instrument of claim 50, wherein the region of the body of the patient defining a surgical site is the spine of the patient.
52. **(previously presented)** The surgical instrument of claim 44, wherein the surgical instrument comprises a device selected from the group consisting of: a rongeur, a bone punch, bone-cutting forceps, a morcellator, and a surgical micrograsper.
53. **(canceled)**
54. **(cancelled)**
55. **(previously presented)** A surgical instrument having a proximal end comprising a handle and a distal end located opposite the proximal end, the surgical instrument comprising:
a non-liquid jet tissue-excision component constructed and positioned to excise tissue during a surgical procedure, wherein the non-liquid jet tissue-excision component comprises a cup-shaped tissue receptacle having a sharpened peripheral rim located at the distal end of the instrument,
the tissue receptacle configured and positioned to capture excised tissue;
a nozzle located at the distal end of the instrument that is shaped to form a liquid jet and is positioned to direct the liquid jet towards the proximal end of the instrument so that at least a

portion of the liquid jet is contained within the cup-shaped tissue receptacle, when the instrument is in operation; and
a pressure lumen configured and positioned to convey a flow of liquid to the nozzle.

56. **(original)** The surgical instrument of claim 55, wherein the tissue receptacle is cup-shaped.

57. **(canceled)**

58. **(canceled)**

59. **(original)** The surgical instrument of claim 55, wherein the surgical instrument comprises a curette.

60. **(original)** The surgical instrument of claim 55, wherein at least an outlet portion of the nozzle is contained within the receptacle.

61-67. **(canceled)**

68. **(currently amended)** A surgical instrument having a proximal end comprising a handle and a distal end located opposite the proximal end, the surgical instrument comprising:

a curette device comprising:

a nozzle located at the distal end of the instrument that is shaped to form a liquid jet and positioned to direct the liquid jet towards the proximal end of the instrument; ~~and~~
a pressure lumen configured and positioned to convey a flow of liquid to the nozzle; and

a non-liquid jet tissue-excision component constructed and positioned at the distal end of the instrument to excise tissue during the surgical procedure, the non-liquid jet tissue-excision component located substantially opposite the jet-receiving opening and extending outward from a location defined by an axial center of the nozzle to a periphery having a sharpened edge extending in a direction substantially perpendicular to the axial center of the nozzle.

69. **(original)** The surgical instrument of claim 68, wherein the curette device further comprises:

an evacuation lumen comprising a jet-receiving opening locatable opposite the nozzle to receive at least a portion of the liquid jet emitted from the nozzle, when the instrument is in operation, and which is configured and positioned to convey a flow of liquid away from the jet-receiving opening.

70-74. **(cancelled)**